

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DANIEL FREDERICK KRONE,

Petitioner,

v.

T.L. GONZALEZ, Warden,

Respondent.

Civil No. 11-1047 DMS (WMc)

**ORDER:**

- (1) GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS [ECF No. 2];**
- (2) DISMISSING PETITION WITHOUT PREJUDICE AND WITH LEAVE TO AMEND; and**
- (3) GRANTING REQUEST FOR LEAVE TO DUPLICATE DOCUMENTS [ECF No. 4]**

Petitioner, a state prisoner proceeding pro se, has submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1), together with a request to proceed in forma pauperis. (ECF No. 2) He has also filed a “Request for Court Order” directing the California Department of Corrections and Rehabilitation to permit him to photocopy documents and exhibits in support of his petition. (ECF No. 4.)

**REQUEST TO PROCEED IN FORMA PAUPERIS**

Petitioner has no funds on account at the California correctional institution in which he is presently confined. Petitioner cannot afford the \$5.00 filing fee. Thus, the Court **GRANTS** Petitioner’s application to proceed in forma pauperis, and allows Petitioner to prosecute the

1 above-referenced action without being required to prepay fees or costs and without being  
 2 required to post security. The Clerk of the Court shall file the Petition for Writ of Habeas  
 3 Corpus without prepayment of the filing fee.

#### 4 PETITION AND REQUEST FOR COURT ORDER

5 In his Petition, Petitioner fails to include grounds for relief. (*See* Pet. at 6-9.) Instead, he  
 6 refers to the “Request for Court Order” that was filed along with the Petition. (*Id.*) In the  
 7 Request for Order, Petitioner states that it is the policy of the California Men’s Colony, where  
 8 he is currently incarcerated, to decline to photocopy inmate legal material exceeding 100 pages  
 9 without a court order. Pursuant to Title 15 of the California Code of Regulations, a “legal  
 10 document to be duplicated for any inmate, including all exhibits and attachments, shall be  
 11 limited to the maximum number of pages needed for the filing, not to exceed 50 pages in total  
 12 length, except when necessary to advance litigation.” Cal. Code Regs. tit. 15, § 3162(c). In  
 13 addition, the Department Operations Manual (“DOM”) provides that “[i]n no event shall staff  
 14 be required to duplicate a legal document exceeding 100 pages in length in the absence of a court  
 15 order directing the duplication.” DOM § 101120.15.

16 Petitioner asserts that because of this policy, he has been unable complete his Petition.  
 17 The materials he seeks to file with his Petition include over 100 pages, comprised of his claims  
 18 and supporting facts, state court documents, and relevant exhibits which the California  
 19 Department of Corrections has declined to photocopy. (*See* Request for Order at 2-3.) He  
 20 requests this Court issue an order directing prison officials to permit him to photocopy his  
 21 petition and supporting documents. (*Id.* at 4.)

22 Rule 2(c) of the Rules Governing Section 2254 Cases states that the petition must  
 23 “specify all the grounds for relief available to the petitioner; [and] state the facts supporting each  
 24 ground . . .” Rule 2(c), 28 U.S.C. foll. § 2254. Here, Petitioner has failed to include grounds  
 25 for relief in his Petition. (*See* Pet. at 6-9.) Accordingly, the Court must **DISMISS** the action  
 26 without prejudice to filing a First Amended Petition. However, because Rule 2(c) *requires*  
 27 Petitioner specify “all the grounds for relief available to him,” and further requires he “state the  
 28 facts supporting each claim for relief, the Court further **GRANTS** Petitioner’s request for leave

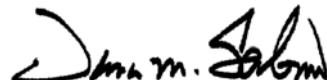
1 to duplicate documents in excess of 100 pages so that he may include them with his First  
2 Amended Petition and comply with Rule 2(c).

3 **CONCLUSION AND ORDER**

4 Based on the foregoing, the Court **GRANTS** Petitioner's request to proceed in forma  
5 pauperis and **DISMISSES** the Petition without prejudice and with leave to amend. In order to  
6 have this case reopened, Petitioner must, no later than **August 10, 2011**, file a First Amended  
7 Petition which includes grounds for relief. Further, the Court **GRANTS** Petitioner's request for  
8 and order directing prison officials to permit Petitioner to duplicate ***all relevant documents he***  
***seeks to file in support of his First Amended Petition*** because it is "necessary to advance  
9 litigation." *See* 15 Cal. Code Regs. § 3162(c). *For Petitioner's convenience, the Clerk of Court*  
10 *shall attach to this Order a blank First Amended Petition form.*

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12 **IT IS SO ORDERED.**

13 DATED: June 13, 2011



14  
15 HON. DANA M. SABRAW  
United States District Judge

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